

ASSEMBLY BILL

No. 2637

Introduced by Assembly Member Galgiani

February 24, 2012

An act to amend Section 802 of the Evidence Code, relating to evidence.

LEGISLATIVE COUNSEL'S DIGEST

AB 2637, as introduced, Galgiani. Evidence: opinion testimony.

Existing law prescribes limitations pertaining to expert testimony and other opinion testimony in a court proceeding. Existing law permits a witness providing opinion testimony to state on direct examination the reasons for his opinion and the matter, as specified, upon which the opinion is based, unless the witness is precluded by law.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 802 of the Evidence Code is amended to
2 read:
3 802. A witness testifying in the form of an opinion may state
4 on direct examination the reasons for his *or her* opinion and the
5 matter (including, in the case of an expert, his *or her* special
6 knowledge, skill, experience, training, and education) upon which
7 it is based, unless he *or she* is precluded by law from using ~~such~~
8 *those* reasons or matter as a basis for his *or her* opinion. The court

- 1 in its discretion may require that a witness, before testifying in the
- 2 form of an opinion, be first examined concerning the matter upon
- 3 which his *or her* opinion is based.